

[STAFF WORKING DRAFT]

NOVEMBER 19, 2002

107TH CONGRESS
2D SESSION

S. ———

To require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER ———, 2002

Mrs. BOXER (for herself and Mr. ALLEN) introduced the following bill; which was read twice and referred to the Committee on —————

A BILL

To require the Federal Communications Commission to allocate additional spectrum for unlicensed use by wireless broadband devices, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jumpstart Broadband
5 Act”.

1 **SEC. 2. ENCOURAGEMENT OF NEW TECHNOLOGIES.**

2 (a) UNLICENSED NATIONAL INFORMATION INFRA-
3 STRUCTURE DEVICES.—

4 (1) IMMEDIATE ALLOCATION OF SPECTRUM.—

5 Within 180 days after the date of enactment of this
6 Act, the Commission shall allocate not less than 255
7 megahertz of contiguous spectrum below 6 gigahertz
8 for unlicensed use by wireless broadband devices
9 while ensuring that Department of Defense devices
10 and systems are not compromised.

11 (2) INTERFERENCE PROTECTION.—Within 180
12 days after the date of enactment of this Act, the Na-
13 tional Telecommunications and Information Admin-
14 istration shall, after consultation with all interested
15 agencies and parties, including the Department of
16 Defense, establish standards for interference protec-
17 tion that is reasonably required to enable incumbent
18 Federal, State, and local government agency users of
19 spectrum allocated under paragraph (1) to continue
20 to use that spectrum, and advise the Commission of
21 those standards.

22 (3) DEVICE REQUIREMENTS.—Within 270 days
23 after the date of enactment of this Act, the Commis-
24 sion shall—

25 (A) with respect to spectrum allocation
26 under paragraph (1) and other unlicensed spec-

1 trum used for wireless broadband services,
2 adopt minimal technical and service rules to fa-
3 cilitate robust and efficient use; and

4 (B) amend its rules to require that all
5 wireless broadband devices manufactured after
6 the effective date of those rules that operate in
7 the spectrum allocated under paragraph (1)—

8 (i) be capable of 2-way data packet
9 communication;

10 (ii) be designed and manufactured to
11 maximize spectrum efficiency, to use the
12 minimum power necessary to provide
13 broadband service, and to minimize inter-
14 ference; and

15 (iii) meet the interference protection
16 standards established under paragraph (2).

17 **SEC. 3. DEFINITIONS.**

18 (a) IN GENERAL.—In this Act:

19 (1) COMMISSION.—The term “Commission”
20 means the Federal Communications Commission.

21 (2) BROADBAND SERVICE.—The term
22 “broadband service” means high speed data
23 service—

1 (A) via cable modem, digital subscriber
2 line, wireless, satellite, or other telecommuni-
3 cations technology;

4 (B) capable of reliably transmitting voice,
5 data, and video simultaneously between the
6 Internet and residential households on a con-
7 sistent basis and in compliance with quality of
8 service standards established by the Commis-
9 sion to ensure robust service; and

10 (C) available to residential households.

11 (3) WIRELESS BROADBAND DEVICE.—The term
12 “wireless broadband device” includes—

13 (A) U-NII devices (as defined in section
14 15.403(i) of title 47, Code of Federal Regula-
15 tions); and

16 (B) other devices used to access wireless
17 broadband services.

18 (b) TERMS DEFINED IN THE COMMUNICATIONS ACT
19 OF 1934.—Except as provided in subsection (a), any term
20 used in this Act that is defined in section 3 of the Commu-
21 nications Act of 1934 (47 U.S.C. 153) has the meaning
22 given that term in that section.

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